# 1NC

## 1

### OFF

#### Interpretation: Debaters must disclose all constructive positions on open source with highlighting on the 2021/2022 NDCA LD wiki after the round in which they read them.

#### Violation: you did not. Screenshots in Doc

Graphical user interface, text, application, email

Description automatically generated

<https://www.tabroom.com/index/tourn/postings/entry_record.mhtml?tourn_id=20780&entry_id=3682451> – proves they have debated rounds

#### 1] Evidence Ethics --- disclosure deters mis-cutting, power-tagging, abuse of brackets and ellipses, and plagiarism. Independent reason to vote you down because it promotes better norms about academic engagement---debate is an academic environment and must ensure that we become fair scholars. Even if you don’t lose on fairness in the round, you will lose in college if you violate academic ethics which establish a crucial real-world norm, and outweighs any in-round impact. Also, if you aren’t honest, we don’t know what else you’re lying about which means we don’t know if your arguments are actually true since they can be misrepresented.

#### 2] Revolutionary testing - their affirmative is an echo chamber absent the ability to test it from multiple angles which replicates the issue of status quo solvency because not everyone key to change starts from the position of understanding that their aff grants to their method. Debaters around the country rely on interconnected networks like disclosure to share methods and liberation tactics which makes our method key to your solvency.

#### 3] White Flooding DA – if only non-black debaters disclosed then the wiki would be full of super white arguments like friv theory and tricks. Turns new black debaters away from the community.

#### 4] Debate resource inequities—you’ll say people will steal cards, but that’s good—it’s the only way to truly level the playing field for students such as novices in under-privileged programs who can’t bypass paywalled articles.

#### Paradigm Issues –

#### [1] DTD on disclosure – a) disclosure cannot be drop the argument because it would just drop you because you’re the norm b) deterrence

#### [2] Reject RVIs, impact turns, and case cross applications – a) disclosure is a procedural that questions whether I should be debating this aff b) justifies infinite abuse through baiting theory and winning off a prepped out counterinterp

#### [4] CI – 1] reasonability is arbitrary – impossible to know what is reasonable until you establish a brightline 2] reasonability collapses cuz u use offense defense to evaluate offense under the BL

#### [5] Fairness is a voter because debate is a game governed by rules and you can’t tell who actually won if the layer was skewed – procedural fairness is a mtaconstraint on competitive activities

#### [6] Theory before the K – A] Prior question. My theory argument calls into question the ability to run the argument in the first place. They can’t say the same even if they criticize theory because theory makes rules of the game not just normative statements about what debaters should say. B] Fair testing. Judge their arguments knowing I wasn’t given a fair shot to answer them. Prefer theory takes out K because they could answer my arguments, but I couldn’t answer theirs. Without testing their args, we don’t know if they’re valid, so you prefer fairness impacts on strength of link. Impact turns any critical education since a marketplace of ideas where we innovate, and test ideas presumes equal access.

#### [7] T isn’t violent – A] I don’t have the power to impose a norm – only to convince you my side is better. T doesn’t ban you from the activity – the whole point is that norms should be contestable – I just say make a better arg next time. B] Exclusion is inevitable – every role of the ballot excludes some arguments and even saying T bad excludes it – that means we should delineate ground along reciprocal lines, not abandon division altogether. Reading T isn’t psychic violence – that was above, but especially if we’re not going for it since reading T can be used to prevent aff shiftiness and make substance a viable option.

## 2

### OFF

#### The subject emerges through alienation by attempting to explain one’s desires through language, which always has a communicability gap from the real world. This leads to a constant and impossible desire to fufill the lost object which justifies infinite violence. Thus the role of the ballot is to Traverse the Fantasy which means exposing drives.

**McGowan 13,** McGowan, Todd. *Enjoying What We Don't Have: The Political Project of Psychoanalysis*. University of Nebraska Press, 2013. *JSTOR*, [www.jstor.org/stable/j.ctt1ddr7nv. Accessed 19 Sept. 2020](http://www.jstor.org/stable/j.ctt1ddr7nv.%20Accessed%2019%20Sept.%202020). AT

The subject as such emerges through the experience of loss. It is the loss of a part of the subject — an initial act of sacrifice — that creates both subject and object, the object emerging through this act as what the subject has lost of itself. The subject takes an interest in the object world because it forms this world around its lost object. As Jacques Lacan notes, “Never, in our concrete experience of analytic theory, do we do without the notion of the lack of the object as central. It is not a negative, but the very spring for the relation of the subject to the world.”5 Th e loss of the object generates a world around this loss to which the subject can relate. Obviously, no one literally creates objects through an initial act of sacrifi ce of an actual body part. This would be too much to ask. But the psychical act of sacrifice allows for a distinction to develop where none existed before and simultaneously directs the subject’s desire toward the object world. In his breakthrough essay “Negation,” Freud describes this process as follows: “The antithesis between subjective and objective does not exist from the fi rst. It only comes into being from the fact that thinking possesses the capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there. Th e fi rst and immediate aim, therefore, of reality-testing is, not to fi nd an object in real perception which corresponds to the one presented, but to refi nd such an object, to convince oneself that it is still there.”6 Th ough Freud doesn’t use terms from linguistics, it is clear that he is making reference to the subject’s alienation in language and that he sees this alienation as the key to the emergence of both the subject and the object. When the subject submits to the imperatives of language, it enters into an indirect relation with the object world. Th e speaking being does not relate to books, pencils, and paper but to “books,” “pencils,” and “paper.” The signifier intervenes between the subject and the object that the subject perceives. The subject’s alienation into language deprives it of immediate contact with the object world. And yet, in the above passage from “Negation,” Freud conceives of the subject’s entrance into language — its “capacity to bring before the mind once more something that has once been perceived, by reproducing it as a presentation without the external object having still to be there” — as the event that produces the very distinction between subject and object. This means that the indirectness or mediation introduced by language deprives the subject of a direct relation to the object world that it never had. Prior to its immersion in the mediation of language, the subject had no object at all — not a privileged relation to objects but a complete absence of relationality as such due to its autoeroticism. In this sense, the subject’s willingness to accede to its alienation in language is the first creative act, a sacrifice that produces the objects that the subject cannot directly access. Language is important not for its own sake but because it is the site of our founding sacrifi ce. We know that the subject has performed this act of sacrifi ce when we witness the subject functioning as a being of language, but the sacrifi ce is not an act that the subject takes up on its own. Others always impose the entry into language on the subject. Th eir exhortations and incentives to speak prompt the emergence of the speaking subject. But the subject’s openness to alienation in language, its willingness to sacrifi ce a part of itself in order to become a speaking subject, suggests a lack in being itself prior to the entry into language. Th at is, the act through which the subject cedes the privileged object and becomes a subject coincides with language but is irreducible to it. The subject engages in the act of sacrifice because it does not fi nd its initial autoeroticism perfectly satisfying — the unity of the autoerotic being is not perfect — and this lack of complete satisfaction produces the opening through which language and society grab onto the subject through its alienating process. If the initial autoerotic state of the human animal were perfectly satisfying, no one would begin to speak, and subjectivity would never form. Speaking as such testifi es to an initial wound in our animal being and in being itself. But subjectivity emerges only out of a self-wounding. Even though others encourage the infant to abandon its autoerotic state through a multitude of inducements, the initial loss that constitutes subjectivity is always and necessarily self-inflicted. Subjectivity has a fundamentally masochistic form, and it continually repeats the masochistic act that founds it. The act of sacrifice opens the door to the promise of a satisfaction that autoerotic isolation forecloses, which is why the incipient subject abandons the autoerotic state and accedes to the call of sociality. But the term “sacrifi ce” is misleading insofar as it suggests that the subject has given up a wholeness (with itself or with its parent) that exists prior to being lost. In the act of sacrifice, the incipient subject gives up something that it doesn’t have. The initial loss that founds subjectivity is not at all substantial; it is the ceding of nothing. Through this defining gesture, the subject sacrifices its lost object into being. But if the subject cedes nothing, this initial act of sacrifice seems profoundly unnecessary. Why can’t the subject emerge without it? Why is the experience of loss necessary for the subject to constitute itself qua subject? The answer lies in the difference between need and desire. While the needs of the human animal are not dependent on the experience of loss, the subject’s desires are. It is the initial act of sacrifice that gives birth to desire: the subject sacrifi ces nothing in order to create a lost object around which it can organize its desire. As Richard Boothby puts it in his unequaled explanation of the psychoanalytic conception of the emergence of desire, “The destruction and loss of the object . . . opens up a symbolic dimension in which what was lost might be recovered in a new form.”7 He adds: “Sacrifice serves to constitute the very matrix of desire. The essential function of sacrifice is less do ut des, I give so that you might give, than do ut desidero: I give in order that I might desire.”8 Th e subject’s desire is oriented around this lost object, but the object is nothing as a positive entity and only exists insofar as it is lost. This is why one can never attain the lost object or the object that causes one to desire.9 Th e coming-into-being of this object originates the subject of desire, but, having no substance, the object can never become an empirical object of desire. We may see an object of desire as embodying the lost object, but whenever we obtain this object, we discover its emptiness. Th e lost object is constitutively rather than empirically lost. Eating Nothing In this light, we can see the anorexic as the model for all desiring subjectivity. Most cultural critics justifiably see anorexia as the product of oppressive definitions of femininity that abound in contemporary society and force women to starve themselves in order to fit the ideals of feminine beauty. According to Naomi Wolf ’s classic popular account in Th e Beauty Myth, the ideal of thinness became a way of controlling women — disciplining their bodies — aft er the idea of natural female inferiority began to evanesce.10 Th e anorexic embodies female victimization: she has internalized a patriarchal ideal and does violence to her own body in order to live up to this ideal. But the problem with this analysis is that the anorexic doesn’t just try to embody the ideal of feminine beauty.11 She goes too far in her pursuit of thinness and comes to inhabit a body far from the ideal. Even when everyone tells her that she no longer looks good, that she is too thin, the anorexic continues to lose weight. It is for this reason that many feminists have seen her as a subversive fi gure. As Elizabeth Grosz puts it, “Neither a ‘disorder’ of the ego nor, as popular opinion has it, a ‘dieting disease’ gone out of control, anorexia can, like the phantom limb, be a kind of mourning for a pre-Oedipal (i.e., pre-castrated) body and a corporeal connection to the mother that women in patriarchy are required to abandon. Anorexia is a form of protest at the social meaning of the female body.”12 Grosz accounts for the excessiveness of anorexia by aligning it with feminist resistance to patriarchy rather than obsequious submission to it. But she aligns the anorexic with wholeness and the maternal bond rather than with the lost object. In this sense, she misses the true radicality of the anorexic, a radicality that stems from the power of the anorexic’s desire. Th e anorexic doesn’t simply refuse to eat but eats nothing, the nothing that is the lost object. While all positive forms of food fail to address the subject’s lack, nothing does speak to the subject’s desire and allows that desire to sustain itself. Th e anorexic starves not because she can’t fi nd, in the mode of Kafk a’s hunger artist, any food that would satisfy her but because she has found a satisfying food, a food that nourishes the desiring subject rather than the living being. Th e logic of anorexia lays bare the hidden workings of desire that operate within every subject. Subjects believe that they pursue various objects of desire (a new car, a new house, a new romantic partner, and so on) and that these objects have an intrinsic attraction, but the real engine for their desire resides in the nothing that the subject has given up and that every object tries and fails to represent. Objects of desire are desirable only insofar as they attempt to represent the impossible lost object, which is what the anorexic reveals. Still, the anorexic is exceptional; most nonanorexic subjects imagine that their lost object can be found in something rather than nothing. Despite its resonances with the structure of desire, anorexia cannot be dissociated from the imposition of the ideal of thinness as a mode of controlling female subjectivity. Th ough this ideal distorts the anorexic’s relationship to her own body, it also renders the nature of desire itself apparent. Th e impossible ideal of perfect thinness allows the anorexic subject to avow, albeit unconsciously, the structural impossibility of desire itself. Unlike male subjects (or other female subjects who manage to distance themselves from the ideal), the anorexic cannot avoid confronting the impossibility of her object. Th e oppressive ideal of perfect thinness allows the anorexic to bear witness with her body to the truth of desire.13 Understanding the impossible nature of the lost object — what the anorexic makes clear — allows us to rethink the nature of the political act. Rather than being the successful achievement of some object, the accomplishment of some social good, the political act involves insisting on one’s desire in the face of its impossibility, which is precisely what occurs in the death drive. Th e key to a politics of the death drive is grasping, in the fashion of the anorexic, the nothingness of the object and thereby fi nding satisfaction in the drive itself. But the subject’s relationship to its object inherently creates an illusion that makes this possibility almost impossible. Th ough the lost object that initiates subjectivity has no substance, its status for the subject belies its nothingness. For the subject, the originary lost object is the object that seems to hold the key to the subject’s very ability to enjoy. Subjects invest the lost object with the idea of their own completion: the loss of the object retroactively causes a prior state of completion to arise — a state of completion that never actually existed — and the object itself bears the promise of inaugurating a return to this imaginary prior state.14 In short, it promises to fi ll in the subject’s lack and answer its desire. As a result of this investment on the part of the subject, the initial lost object becomes the engine for all the subject’s subsequent desiring. Without the initial act of sacrifi ce, the would-be subject neither desires nor enjoys but instead suff ocates in a world of self-presence, a self-presence in which one has no freedom whatsoever. Th rough the loss of the privileged object, one frees oneself from the complete domination of (parental or social) authority by creating a lack that no authority can fi ll. Ceding the object is thus the founding act of subjectivity and the fi rst free act. Every subsequent eff ort by authority to give the subject what it lacks will come up short — or, more correctly, will go too far, because only nothing can fi ll the gap within the subject. For this reason, dissatisfaction and disappointment are correlative with freedom: when we experience the authority’s failure to give us what we want, at that moment we also experience our distance from the authority and our radical freedom as subjects.

#### Their deployment of debate is an agential fantasy – the affirmative is an investment into subjectivity as a teleological entity dependent on external recognition to satisfy its goals, which is addicting and causes passivity

Lundberg 12 Dr. Christian Lundberg, 2012, “Lacan in Public: Psychoanalysis and the Science of Rhetoric,” The University of Alabama Press, Dr. Lundberg is an associate professor and co-director of the University Program in Cultural Studies at UNC, he has a B.A. from the University of Redlands, a Master of Divinity from Emory University, and a Ph.D. in Communication Studies from Northwestern University, sjbe

“Ego,” then,names the economy of compensatory subjectivization driven by the repetition and refusal of demands. The nascent subject presents wants and needs in the form of the demand, but the role of the demand is not the simple fulfillment of these wants and needs. The demand and its refusal are the fulcrum on which the identity and insularity of the subject are produced: an unformed amalgam of needs and articulated demands is transformed into a subject that negotiates the vicissitudes of life with others. Put in the meta- phor of developmental psychology, an infant lodges the instinctual demands of the id on others but these demands cannot be, and for the sake of develop- ment, must not be fulfilled. Thus, pop psychology observations that the in- cessant demands of children for impermissible objects (“may i have a fourth helping of dessert”) or meanings that culminate in ungroundable authori- tative pronouncements (the game of asking never ending “whys”) are less about satisfaction of a request than the identity-producing effects of the pa- rental “no.” in “The Question of Lay Analysis,” freud argues that “if . . . demands meet with no satisfaction, intolerable conditions arise . . . [and] . . . the ego begins to function. . . . [T]he driving force that sets the vehicle in mo- tion is derived from the id, the ego . . . undertakes the steering. . . . The task of the ego [is] . . . to mediate between the claims of the id and the objections of the external world.”31 Later, in Group Psychology and the Analysis of the Ego, and Civilization and Its Discontents, freud relocates the site of the ego’s genesis beyond the parent/child relationship and in the broader social relationships that animate it. Life with others inevitably produces blockages in the indi- vidual’s attempts to fulfill certain desires, since some demands for the fulfill- ment of desires must be frustrated. This blockage produces feelings of guilt, which in turn are sublimated as a general social morality. The frustration of demand is both productive in that it authorizes social moral codes and, by ex- tension, civilization writ large, although it does so at the cost of imposing a contested relationship between desire and social mores.32 Confronted by student calls to join the movement of 1968 Lacan famously quipped: “as hysterics you demand a new master: you will get it!” under- standing the meaning of his response requires a treatment of Lacan’s theory of the demand and its relationship to hysteria as an enabling and constraining political subject position. Lacan’s theory of the demand picks up at freud’s movement outward from the paradigmatic relationships between the parent/ child and individual/civilization toward a more general account of the sub- ject, sociality, and signification. The infrastructure supporting this theoreti- cal movement transposes freud’s comparatively natural and genetic account of development to a set of metaphors for dealing with the subject’s entry into signification. As already noted, the Lacanian aphorism that “the signifier represents a subject for another signifier inverts the conventional wisdom that a pre-given subject uses language as an instrument to communicate its subjective inten- tions.”33 The paradoxical implication of this reversal is that the subject is si- multaneously produced and disfigured by its unavoidable insertion into the space of the Symbolic. An Es assumes an identity as a subject as a way of ac- commodating to the Symbolic’s demands and as a node for producing de- mands on its others or of being recognized as a subject.34 As i have already argued, the demand demonstrates that the enjoyment of one’s own subjec- tivity is useless surplus produced in the gap between the Es (or it) and the ideal i. As a result, there is excess jouissance that remains even after its reduc- tion to hegemony. This remainder may even be logically prior to hegemony, in that it is a useless but ritually repeated retroactive act of naming the self that produces the subject and therefore conditions possibility for investment in an identitarian configuration. The site of this excess, where the subject negotiates the terms of a non- relationship with the Symbolic, is also the primary site differentiating need, demand, and desire. need approximates the position of the freudian id, in that it is a precursor to demand. Demand is the filtering of the need through signification, but as Sheridan notes, “there is no adequation between need and demand.”35 The same type of split that inheres in the freudian demand inheres in the Lacanian demand, although in Lacan’s case it is crucial to no- tice that the split does not derive from the empirical impossibility of ful- filling demands as much as it stems from the impossibility of articulating needs to or receiving a satisfactory response from the other. Thus, the speci- ficity of the demand becomes less relevant than the structural fact that de- mand presupposes the ability of the addressee to fulfill the demand.This im- possibility points to the paradoxical nature of demand: the demand is less a way of addressing need to the other than a call for love and recognition by it. “in this way,” writes Lacan, “demand annuls the particularity of everything that can be granted by transmuting it into a proof of love, and the very sat- isfactions that it obtains for need are reduced to the level of being no more than the crushing of the demand for love.”36 The other cannot, by definition, ever give this gift: the starting presupposition of the mirror stage is the con- stitutive impossibility of comfortably inhabiting the Symbolic. The struc- tural impossibility of fulfilling demands resonates with the freudian de- mand in that the frustration of demand produces the articulation of desire. Thus, Lacan argues that “desire is neither the appetite for satisfaction, nor the demand for love, but the difference that results from the subtraction of the first from the second.”37 This sentiment animates the crucial Lacanian claim for the impossibility of the other giving a gift that it does not have, namely the gift of love: “all demand implies . . . a request for love. . . . Desire begins to take shape in the margin in which demand becomes separated from need: this margin being that which is opened up by demand, the appeal of which can be unconditional only in regards to the other . . . having no universal satisfaction. . . . it is this whim that introduces the phantom of omnipotence, not of the subject, but of the other in which his demand is installed.”38 This framing of demand reverses the classically liberal presupposition regarding demand and agency. Contemporary and classical liberal democratic theories presume that the demand is a way of exerting agency and, further, that the more firmly the demand is lodged, the greater the production of an agential effect. The Lacanian framing of the demand sees the relationship as exactly the opposite: the more firmly one lodges a demand, the more desperately one clings to the legitimate ability of an institution to fulfill it. Hypothetically, demands ought reach a kind of breaking point where the inability of an in- stitution or order to proffer a response should produce a reevaluation of the economy of demand and desire. in analytic terms, this is the moment of sub- traction, where the manifest content of the demand is stripped away and the desire that underwrites it is laid bare. The result of this “subtraction” is that the subject is in a position to relate to its desire, not as a set of deferrals, avoid- ances, or transposition but rather as an owned political disposition. As Lacan frames it, demanding subjects are either learning to reassert the centrality of their demand or coming to terms with the impotence of the other as a satisfier of demands: “But it is in the dialectic of the demand for love and the test of desire that development is ordered. . . . [T]his test of the desire of the other is decisive not in the sense that the subject learns by it whether or not he has a phallus, but in the sense that he learns that the mother does not have it.”39 The point of this disposition is to bring the subject to a point where they might “recognize and name” their own desire and, as a re- sult, become a political subject in the sense of being able to truly argue for something without being dependent on the other as a support for or orga- nizing principle for political identity. Thus, desire has both a general status and a specific status for each subject. it is not just the mirror that produces the subject and its investments but the desire and sets of proxy objects that cover over this original gap. As Easthope puts it: “Lacan is sure that everyone’s de- sire is somehow different and their own—lack is nevertheless my lack. How can this be if each of us is just lost in language . . . passing through demand into desire, something from the Real, from the individual’s being before lan- guage, is retained as a trace enough to determine that i desire here and there, not anywhere and everywhere. Lacan terms this objet petit a . . . petit a is dif- ferent for everyone; and it can never be in substitutes for it in which i try to refind it.”40 Though individuated, this naming is not about discovering a latently held but hidden interiority, rather it is about naming a practice of thinking the uniqueness of individual subjects as a product of discourses that produce them. Thus, this is an account of political subjectivization that is not solely oriented toward or determined by the locus of the demand but that is also determined by the contingent sets of coping strategies that orient a sub- ject toward others and a political order and serve as the condition of possi- bility for demands.As Lacan argues,this is the point where a subject becomes a kind of new presence or a new political possibility:“That the subject should come to recognize and to name his desire; that is the efficacious action of analysis. But it isn’t a question of recognizing something which would be en- tirely given. . . . in naming it, the subject creates, brings forth, a new presence in the world.”41 Alternatively, subjects can stay fixated on the demand, but in doing so they forfeit their desire, or as fink argues, “an analysis . . . that . . . does not go far enough in constituting the subject as desire leaves him or her stranded at the level of demand . . . unable to truly desire.”42 A politics defined by and exhausted in demands is by definition a hysterical politics. The hysteric is defined by incessant demands on the other at the ex- pense of ever articulating a desire that is theirs. in the Ethics of Psychoanaly- sis, Lacan argues that the hysteric’s demand that the other produce an object is the support of an aversion toward one’s desire: “the behavior of the hys- teric, for example, has as its aim to recreate a state centered on the object, in- sofar as this object . . . is . . . the support of an aversion.”43 This economy of aversion explains the ambivalent relationship between hysterics and their de- mands. on one hand, the hysteric asserts their agency, even authority, over the other.yet, what appears as unfettered agency from the perspective of a discourse of authority is also simultaneously a surrender of desire by enjoy- ing the act of figuring the other as the one with the exclusive capability to satisfy the demand. Thus, “as hysterics you demand a new master: you will get it!” At the register of manifest content, demands are claims for action and seemingly powerful, but at the level of the rhetorical form of the demand or in the reg- ister of enjoyment, demand is a kind of surrender. As a relation of address the hysterical demand is more a demand for recognition and love from an os- tensibly repressive order than a claim for change. The limitation of the stu- dents’ call on Lacan does not lie in the end they sought but in the fact that the hysterical address never quite breaks free from its framing of the master. The fundamental problem of democracy is not articulating resistance over and against hegemony but rather the practices of enjoyment that sustain an addiction to mastery and a deferral of desire. Hysteria is a politically effective subject position in some ways, but it is politically constraining from the perspective of organized political dissent. if not a unidirectional practice of resistance, hysteria is at best a politics of interruption. imagine a world where the state was the perfect and complete embodiment of a hegemonic order, without interruption or remainder, and the discursive system was hermetically closed. Politics would be an impos- sibility: with no site for contest or reappropriation, politics would simply be the automatic extension of structure. Hysteria is a site of interruption, in that hysteria represents a challenge to our hypothetical system, refusing straight- forward incorporation by its symbolic logic. But, stepping outside this hy- pothetical non-polity, on balance, hysteria is politically constraining because the form of the demand, as a way of organizing the field of political enjoy- ment, requires that the system continue to act in certain ways to sustain its logic. Though on the surface it is an act of symbolic dissent, hysteria rep- resents an affirmation of a hegemonic order and is therefore a particularly fraught form of political subjectivization.

#### The politics of recognition require the submission of one’s own desire to a social authority that creates an endless struggle for acceptance that restricts true enjoyment.

McGowan 13 Todd McGowan, 2013, “Enjoying What We Don’t Have: The Political Project of Psychoanalysis,” University of Nebraska Press/Lincoln and London, SJBE

When subjects enter into society, the social order confronts them with a demand. This demand for the sacrifice of enjoyment offers them social recognition in return. Recognition grounds the subjects’ identities and allows them to experience themselves as valuable. The socially recognized subject has a worth that derives solely from recognition itself. Popular kids may believe that their sense of worth is tied to an activity — playing football, obtaining good grades, being a cheerleader — but in fact it depends on the recognition that an anonymous social authority accords those who engage in these activities. Though we might imagine the football player fully enjoying himself and his popular status, the recognition that comes with this status renders enjoyment impossible insofar as popularity adheres to the social authority’s demand rather than its unarticulated desire.17 The demand that confronts the subject entering the social order is directly articulated at the level of the signifier. Social authority says to the subject, “Act in this way, and you will receive approval (or recognition).” But the demand conceals an unconscious desire that is not articulated on the level of the signifier. What the authority really wants from the subject is not equivalent to what it explicitly demands in signifiers. This desire of social authority or the Other engenders the subject’s own desire: the subject’s desire is a desire to figure out what the Other wants from it — to solve the enigma of the Other’s desire and locate itself within that desire. The subject becomes a desiring subject by paying attention not to what the social authority says (the demand) but to what remains unsaid between the lines (the desire). The path of desire offers the subject the possibility of breaking from its dependence on social authority through the realization that its secret, the enigma of the Other’s desire, does not exist — that the authority doesn’t know what it wants. Such a realization is not easy to achieve, but adopting the attitude of desire at least makes it possible. For the subject who clings to the social authority’s demand, dependence on this authority becomes irremediable and unrealizable. This is the limitation of pseudo-Hegelian political projects oriented around garnering recognition. They necessarily remain within the confines of the order that they challenge, and even success will never provide the satisfaction that the project promises. Full recognition would bring with it not the sense of finally penetrating into the secret enclave of the social authority but instead the disappointment of seeing that this secret does not exist. The widespread acceptance of gay marriage in the United States, for instance, would not provide a heretofore missing satisfaction, because the social authority that would provide the recognition is not a substantial entity fully consistent with itself. Even though institutional authority can grant a marriage certificate to gay couples and the majority of the popula- tion can recognize the validity of the marriage, there is no agency that can authorize such a marriage that is itself authorized. Social authority, in other words, is always unauthorized or groundless, and this is the ultimate reason why the pursuit of recognition leads to frustration. Those who seek social recognition structure their lives around the social authority’s demand, and recognition is the reward that one receives for doing one’s social duty. For instance, in order to gain popularity, one must adhere to the social rules that lead to popularity. This involves wearing the proper clothes, hanging out with the right people, playing the approved sports, and talking in the correct fashion. Too much deviation from the standard dissolves one’s popularity. Even those who disdain popularity most often align themselves with some other source of recognition and thereby invest themselves in another form of it. The outsider who completely rejects the trappings of the popular crowd but slavishly obeys the demands of fellow outsiders remains within the orbit of social recognition. This devotion to social recognition is more apparent, though not more true, among the young; the adult universe employs strictures with a similar severity.18 Fol- lowing the path of desire — going beyond the explicit demand of the social authority — has a cost in terms of social status. Those who restrict themselves to the authority’s demand do not neces- sarily evince more obedience to actual laws than others do. In fact, the social authority’s demand often conflicts with laws because it demands love, not just obedience. Criminals who flaunt the law for the sake of accumulating vast amounts of money are among those most invested in this demand. There is no inherent radicality in criminal behavior, and most criminals tend to be politically conservative.19 The object of the demand is the subject’s complete sacrifice for the sake of the social authority, not simply adherence to a set of laws. By imposing a demand that requires subjects to violate the law, the author- ity creates a bond of guilt among those who follow this demand. For instance, contemporary capitalist society demands the unrestricted accumulation of capital, even if this requires bypassing ethical or legal considerations at some point. Those who adhere to this demand to such an extent that they break the law or act against their own conscience find themselves all the more subjected to the social authority than if the demand didn’t include the dimension of transgression. The guilt that the demand engenders in them seals their allegiance. This is the logic of the hazing ritual, which always necessitates a violation of the law or common morality. The demand aims to redirect subjects away from their own enjoyment and toward social pro- ductivity. This turn is unimaginable without guilt, which is the fundamental social emotion. Subjects who sacrifice enjoyment for the sake of recognition do so with the expectation that this sacrifice will pay off on the other side, that the rewards of recognition will surpass the enjoyment that they have given up. This wager seems to have all the empirical evidence on its side: every day, images of the most recognized subjects enjoying themselves bombard us. We see them driving in the nicest cars, eating in the finest restaurants, wear- ing the most fashionable clothes, and having sex with the most attractive people, among other things. On the other side, we rarely see the enjoyment of those who remain indifferent to the appeal of recognition. By definition, they enjoy in the shadows. What’s more, the apparent misery of those who do not receive recognition is readily visible among the social outcasts we silently pass every day. To all appearances, the sacrifice of enjoyment for the sake of recognition is a bargain, as long as one ends up among the most recognized. The problem with this judgment stems from its emphasis on visibil- ity; it mistakes the display of enjoyment for the real thing. Someone who was authentically enjoying would not need to parade this enjoyment. The authentically enjoying subject does not perform its enjoyment for the Other but remains indifferent to the Other. As Joan Copjec notes, “Jouissance flourishes only there where it is not validated by the Other.”20 Enjoyment consumes the subject and directs all of the subject’s attention away from the Other’s judgment, which is why one cannot perform it and why being a social outcast doesn’t bother the enjoying subject. One immerses oneself completely in enjoyment, and the enjoyment suffices for the subject. In contrast, recognition, though it offers its own form of satisfaction, ulti- mately leaves the subject eager for something else. No matter what level of recognition subjects receive, they always find it insufficient and seek more. Unlike enjoyment, recognition is an infinite struggle.

#### That destroys politics, ethics, and the value to life

Ruti ‘14 (mari, English, Toronto, Psychoanalysis, Culture & Society (2014) 19, 297–314) SJBE, recut from Harvard BoSu

On the other hand, Lacan – again like Marcuse – recognizes that the symbolic order is repressive beyond the demands of subject formation, that it includes forms of violence that exceed the ubiquitous violence of the signifier. Indeed, even the violence of the signifier is not equally distributed, so that some of us are much more vulnerable to its injurious effects than others (consider, for instance, hate speech). Lacan does not necessarily talk about the unequal distribution of resources in the manner Marcuse does, but there is no doubt that his analysis of symbolic law as the Law of the Father elucidates a historically specific, deeply heteropatriarchal and hierarchical organization of social life. In point of fact, one reason I have taken a detour through Marcuse is to illustrate the obvious ways in which Lacan’s portraiture of the symbolic mirrors that of Marcuse’s explicitly historical account: what Marcuse calls “the performance principle,” Lacan calls the “service of goods.” Both thinkers identify the underpinnings of a social order dominated by the ideal of productivity – an ideal that is, moreover, placed in direct opposition to the pleasure principle. Both emphasize that the dominant morality of this symbolic – what Lacan calls “the morality of the master” – measures the merit of lives based on largely pragmatic criteria. And both acknowledge that the model citizen of this symbolic is a subject who shows up at work reliably every morning, performs its duties with a degree of diligence, does not let its desires get the better of its productivity, and seeks satisfaction (“enjoys”) in moderate, socially sanctioned ways. “Part of the world has resolutely turned in the directions of the service of goods,” Lacan writes, “thereby rejecting everything that has to do with the relationship of man to desire” (318). This, he adds, “is what is known as the postrevolutionary perspective” (318). In other words, the service of goods reflects the mindset of the levelheaded utilitarian subject who has deemed revolutionary change to be unrealistic. Lacan is here referring to the kind of depoliticization that is arguably the hallmark of Western subjectivity under capitalism. Lacan’s point is by no means, as critics such as Butler have suggested, that a different kind of symbolic is intrinsically impossible but rather that the configuration of subjectivity that Western modernity has produced – a subjectivity that has been subjected to a particular form of surplus-repression (the performance principle, the service of goods) – makes it virtually impossible for us to entertain the idea that the symbolic could be organized differently, that it could be centered around a different version of the reality principle. As Marcuse remarks, one reason the performance principle is so powerful is that it has managed to convince us that all alternatives to it are either utopian or otherwise unpalatable. Yet, for Marcuse, the fact that this principle has been so successful also points to the possibility of transcending it. As he states, “The very progress of civilization under the performance principle has attained a level of productivity at which the social demands upon instinctual energy to be spent in alienated labor could be considerably reduced. Consequently, the continued repressive organization of the instincts seems to be necessitated less by the ‘struggle for existence’ than by the interest in prolonging this struggle – by the interest in domination” (pp. 129–130). This is to say that there is really nothing besides social power that keeps us invested in the notion that our welfare demands relentless toil. The performance principle has outlived its usefulness in the sense that our collective productivity these days surpasses what is necessary for the provision of food, clothing, housing, and other basic amenities. The fact that these amenities have not yet reached all corners of the world, or even all corners of our own society (the homeless, innercity dwellers, etc.), is a function of domination (the unequal distribution of resources) rather than of any deficiencies of productivity. As a result, in Marcuse’s view, all we would need to do to bring about a more “non-repressive civilization” (p. 134) would be to refuse the parameters of the current symbolic; even something as simple as reducing the length of the working day would immediately realign our priorities, perhaps even impacting the very organization of our psychic lives. Our standard of living might drop somewhat, but we might also learn to assess the value of our lives according to other, less performance-oriented, measurements. Psychoanalysis, particularly Lacanian analysis, does not have a normative goal; it does not seek to tell us how we should desire but merely to explore the idiosyncratic contours of our desire. But this does not change the fact that Lacan, at least as a theorist, was exasperated by people’s inability to make their way out of the maze of the master’s morality, including its performance principle; he was frustrated by individuals who were so out of touch with the truth of their desire that they were willing to sacrifice this desire for the sake of social conformity and that they were, furthermore, willing to do so to the point of self-betrayal. As he explains, “What I call ‘giving ground relative to one’s desire’ is always accompanied in the destiny of the subject by some betrayal – you will observe it in every case and should note its importance. Either the subject betrays his own way, betrays himself, and the result is significant for him, or, more simply, he tolerates the fact that someone with whom he has more or less vowed to do something betrays his hope and doesn’t do for him what their pact entailed” (p. 321). Such a betrayal invariably results in the reassertion of the status quo, sending the subject back to the service of goods, what Lacan in this context calls “the common path” (p. 321). And given that desire, for Lacan, is “the metonymy of our being” (p. 321), betraying it in this way leads to the kind of psychic death that extinguishes the subject’s sense of agency. To use Lacan’s wording, “Doing things in the name of the good, and even more in the name of the good of the other, is something that is far from protecting us not only from guilt but also from all kinds of inner catastrophes” (p. 319). It is precisely such inner catastrophes that Lacanian clinical practice was designed to counter, though it may be Julia Kristeva – rather than Lacan himself – who has most clearly developed this interpretation of analytic work. Kristeva depicts psychoanalysis as a means of restoring the subject’s psychic aliveness, as an explicit revolt against the numbing impact of what she calls “the society of the spectacle” (2002, p. 4). This society of the spectacle – of technology, image, and speed – shares many parallels with Adorno’s “culture industry”: a flattened surface of the life world, a constriction of psychic space, a death of critical thought, the worship of efficiency over intellectual curiosity, and the incapacity to revolt. Against this backdrop, psychoanalysis – along with art, writing, and some forms of religious experience – offers, for Kristeva, a gateway to revolt, a way of resurrecting “the life of the mind” (a phrase Kristeva borrows from Hannah Arendt) through ongoing questioning, interrogation, and psychic recreation. “Freud founded psychoanalysis as an invitation to anamnesis in the goal of a rebirth, that is, a psychical restructuring,” Kristeva writes: “Through a narrative of free association and in the regenerative revolt against the old law (familial taboos, superego, ideals, oedipal or narcissistic limits, etc.) comes the singular autonomy of each, as well as a renewed link with the other” (2002, p. 8). In the context of my overall argument in this essay, it is worth stressing that it is “the desire of the subject” that, in Kristeva’s view, reserves a place “for initiative, autonomy” (2002, p. 11). This is in part because the “Freudian journey into the night of desire was followed by attention to the capacity to think: never one without the other” (2010, p. 41). In other words, the exploration of desire, in psychoanalysis, is akin to the critical (or at least curious) movement of thought – the very movement that Arendt also saw as vital to the life of the mind. This is why psychoanalysis has, Kristeva asserts, “the (unique?) privilege today of accompanying the emergence of new capacities of thinking/representing/thinking, beyond the frequent and increasingly noticeable disasters of psychosomatic space – capacities that are so many new bodies and new lives” (2010, pp. 41–42). Kristeva therefore draws the same link between desire and autonomy (in this instance, the capacity for critical thought) as Lacan does. Furthermore, to translate Kristeva’s point into Marcuse’s terminology, one might say that psychoanalysis, at least the kind of analysis that refuses to uphold social adaptation as a therapeutic goal, presents the possibility of sidestepping, or at the very least diminishing, the effects of surplus-repression. This, in turn, creates space for the truth of the subject’s desire in the Lacanian sense. This does not mean that repression as such is defeated. Quite the contrary, as we will see shortly, the truth of the subject’s desire is inextricable from the primary (constitutive) repression that accompanies subject formation. But as I have already suggested, the lifting of surplus-repression renders the imprint of primary repression more clearly discernable, for when surplus-repression is removed, what remains are the always highly singular outlines of primary repression. And if Lacan – like Marcuse – sought to remove surplus-repression, it was because he understood that it was on the level of primary repression (fundamental fantasies) that one could find the most basic building blocks of the subject’s psychic destiny; primary repression was the layer of psychic life that expressed something essential about the distinctive ways in which the pleasure principle, in the subject’s life, had become bound up with the repetition compulsion. This is why Lacan states, “If analysis has a meaning, desire is nothing other than that which supports an unconscious theme, the very articulation of that which roots us in a particular destiny, and that destiny demands insistently that the debt be paid, and desire keeps coming back, keeps returning, and situates us once again in a given track, the track of something that is specifically our business” (p. 319).According to Lacan, analysis aims to enable us to understand something about the eccentric specificity (or truth) of our most fundamental desire as well as about the track of destiny that this desire carves out for us (and that is therefore “specifically our business”). If it is indeed the case, as I have conceded, that most of us tend to be alienated from our desire, Lacanian analysis strives to undo this alienation by familiarizing us with the truth of this desire. This process entails, among other things, recognizing that the destiny we owe to this desire can never be definitively overcome, that the debt of desire can never be fully redeemed (for how are we to compensate the signifier for having brought us into being as subjects of desire?). Our destiny – which might initially coincide quite seamlessly with our repetition compulsion – consists of recurring efforts to pay off this debt, which is why it keeps ushering us to the same track of desire, the same nexus of psychic conundrums, our unconscious hope being that if we wear out the track of our desire by incessant reiteration, one day we might be able to absolve ourselves of our debt. But since we cannot, the only thing to be done is to “own” our destiny even as we might seek to mitigate its more painful dimensions. That is, the only way to arrive at the kind of psychic rebirth Kristeva is talking about is to take full responsibility for our (unconsciously generated) destiny. In the ethical act, our impulse is to embrace this destiny wholesale regardless of consequences (this is one way to understand what it means to plunge into the jouissance of the real). In analysis, the exploration of our destiny is more gradual, more self-reflexive. But in both cases, the point is not to obliterate our foundational destiny (or fundamental fantasies) but merely to elaborate it in more satisfying directions, away from the incapacitating effects of the repetition compulsion and toward the rewards of subjective autonomy. And, if we are to achieve this goal, nothing is more important than staying faithful to the truth of desire that, on the most elementary level, determines our destiny.

#### Vote negative to embrace the lack, this means accepting the anxiety from the encounter with the other and exposing drives

**McGowan 2,** McGowan, Todd. Enjoying What We Don't Have: The Political Project of Psychoanalysis. University of Nebraska Press, 2013. JSTOR, [www.jstor.org/stable/j.ctt1ddr7nv. Accessed 19 Sept. 2020](http://www.jstor.org/stable/j.ctt1ddr7nv.%20Accessed%2019%20Sept.%202020). AT

The alternative — the ethical path that psychoanalysis identifies — demands an embrace of the anxiety that stems from the encounter with the enjoying other. If there is a certain ethical dimension to anxiety, it lies in the relationship that exists between anxiety and enjoyment. Contra Heidegger, the ethics of anxiety does not stem from anxiety’s relation to absence but from its relation to presence — to the overwhelming presence of the other’s enjoyment. In some sense, the encounter with absence or nothing is easier than the encounter with presence. Even though it traumatizes us, absence allows us to constitute ourselves as desiring subjects. Rather than producing anxiety, absence leads the subject out of anxiety into desire. Confronted with the lost object as a structuring absence, the subject is able to embark on the pursuit of the enjoyment embodied by this object, and this pursuit provides the subject with a clear sense of direction and even meaning. This is precisely what the subject lacks when it does not encounter a lack in the symbolic structure. When the subject encounters enjoyment at the point where it should encounter the absence of enjoyment, anxiety overwhelms the subject. In this situation, the subject cannot constitute itself along the path of desire. It lacks the lack — the absence — that would provide the space through which desire could develop. Consequently, this subject confronts the enjoying other and experiences anxiety. Unlike the subject of desire — or the subject of Heideggerean anxiety — the subject who suffers this sort of anxiety actually experiences the other in its real dimension. The real other is the other caught up in its obscene enjoyment, caught up in this enjoyment in a way that intrudes on the subject. There is no safe distance from this enjoyment, and one cannot simply avoid it. There is nowhere in the contemporary world to hide from it. As a result, the contemporary subject is necessarily a subject haunted by anxiety triggered by the omnipresent enjoyment of the other. And yet, this enjoyment offers us an ethical possibility. As Slavoj Žižek puts it, “It is this excessive and intrusive jouissance that we should learn to tolerate.”27 When we tolerate the other’s “excessive and intrusive jouissance” and when we endure the anxiety that it produces, we acknowledge and sustain the other in its real dimension. Tolerance is the ethical watchword of our epoch. However, the problem with contemporary tolerance is its insistence on tolerating the other only insofar as the other cedes its enjoyment and accepts the prevailing symbolic structure. That is to say, we readily tolerate the other in its symbolic dimension, the other that plays by the rules of our game. This type of tolerance allows the subject to feel good about itself and to sustain its symbolic identity. The problem is that, at the same time, it destroys what is in the other more than the other — the particular way that the other enjoys. It is only the encounter with the other in its real dimension — the encounter that produces anxiety in the subject — that sustains that which defi nes the other as such. Authentic tolerance tolerates the real other, not simply the other as mediated through a symbolic structure. In this sense, it involves the experience of anxiety on the part of the subject. This is a difficult position to sustain, as it involves enduring the “whole opaque weight of alien enjoyment on your chest.”28 The obscene enjoyment of the other bombards the authentically tolerant subject, but this subject does not retreat from the anxiety that this enjoyment produces. Whose Enjoyment? If the embrace of the anxiety that accompanies the other’s proximate enjoyment represents the ethical position today, this does not necessarily provide us with an incentive for occupying it. Who wants to be ethical when it involves enduring anxiety rather than finding a way — a drug, a new authority, or something — to alleviate it? What good does it do to sustain oneself in anxiety? In fact, anxiety does the subject no good at all, which is why it offers the subject the possibility of enjoyment. When the subject encounters the other’s enjoyment, this is the form that its own enjoyment takes as well. To endure the anxiety caused by the other’s enjoyment is to experience one’s own simultaneously. As Lacan points out, when it comes to the enjoyment of the other and my own enjoyment, “nothing indicates they are distinct.”29 Thus, not only is anxiety an ethical position, it is also the key to embracing the experience of enjoyment. To reject the experience of anxiety is to flee one’s own enjoyment. The notion that the other’s enjoyment is also our own enjoyment seems at first glance difficult to accept. Few people enjoy themselves when they hear someone else screaming profanities in the workplace or when they see a couple passionately kissing in public, to take just two examples. In these instances, we tend to recoil at the inappropriateness of the activity rather than enjoy it, and this reaction seems completely justifi ed. Th e public display of enjoyment violates the social pact with its intrusiveness; it doesn’t let us alone but assaults our senses. It violates the implicit agreement of the public sphere constituted as an enjoyment-free zone. And yet, recoiling from the other’s enjoyment deprives us of our own. How we comport ourselves in relation to the other’s enjoyment indicates our relationship to our own. What bothers us about the other — the disturbance that the other’s enjoyment creates in our existence — is our own mode of enjoying. If we did not derive enjoyment from the other’s enjoyment, witnessing it would not bother us psychically. We would simply be indifferent to it and focused on our own concerns. Of course, we might ask an off ending car radio listener to turn the radio down so that we wouldn’t have to hear the unwanted music, but we would not experience the mere exhibition of alien enjoyment through the playing of that music as an aff ront. Th e very fact that the other’s enjoyment captures our attention demonstrates our intimate — or extimate — relation to it.30 Th is relation becomes even clearer when we consider the epistemological status of the enjoying other. Because the real or enjoying other is irreducible to any observable identity, we have no way of knowing whether or not the other really is enjoying. A stream of profanity may be the result of someone hurting a toe. Th e person playing the car radio too loud while sitt ing at the traffi c light may have simply forgott en to turn down the radio aft er driving on the highway. Or the person may have diffi culty hearing. Th e couple’s amorous behavior in public may refl ect an absence of enjoyment in their relationship that they are trying to hide from both themselves and the public. Considering the enjoyment of the other, we never know whether it is there or not. If we experience it, we do so through the lens of our own fantasy. We fantasize that the person blasting the radio is caught up in the enjoyment of the music to the exclusion of everything else; we fantasize that the public kisses of the couple suggest an enjoyment that has no concern for the outside world. Without the fantasy frame, the enjoying other would never appear within our experience. Th e role of the fantasy frame for accessing the enjoying other becomes apparent within Fascist ideology. Fascism posits an internal enemy — the fi gure of the Jew or some analogue — that enjoys illicitly at the expense of the social body as a whole. By att empting to eliminate the enjoying other, Fascism hopes to create a pure social body bereft of any stain of enjoyment. Th is purity would allow for the ultimate enjoyment, but it would be completely licit. Th is hope for a future society free of any stain is not where Fascism’s true enjoyment lies, however. Fascists experience their own enjoyment through the enjoying other that they persecute. Th e enjoyment that the fi gure of the Jew embodies is the Fascists’ own enjoyment, though they cannot avow it as their own. More than any other social form, Fascism is founded on the disavowal of enjoyment — the att empt to enjoy while keeping enjoyment at arm’s length.31 But this eff ort is not confi ned to Fascism; it predominates everywhere, because no subjects anywhere can simply feel comfortable with their own mode of enjoying. The very structure of enjoyment is such that we cannot experience it directly: when we experience enjoyment, we don’t have it; it has us. We experience our own enjoyment as an assault coming from the outside that dominates our conscious intentions. This is why we must fantasize our own enjoyment through the enjoying other. Compelled by our enjoyment, we can’t do otherwise; we act against our self-interest and against our own good. Enjoyment overwhelms the subject, even though the subject’s mode of enjoying marks what is most singular about the subject. Even though the encounter with the enjoying other apprehends the real other through the apparatus of fantasy, this encounter is nonetheless genuine and has an ethical status. Unlike the experience of the nonexistent symbolic identity, which closes down the space in which the real other might appear, the fantasized encounter with the enjoying other leaves this space open. By allowing itself to be disturbed by the other on the level of fantasy, the subject acknowledges the singularity of the real other — its mode of enjoying — without confi ning this singularity to a prescribed identity. The implications of privileging the encounter with the disturbing enjoyment of the real other over the assimilable symbolic identity are themselves disturbing. Th e tolerant att itude that never allows itself to be jarred by the enjoying other becomes, according to this way of seeing things, further from really encountering the real other than the att itude of hate and mistrust. The liberal subject who welcomes illegal immigrants as fellow citizens completely shuts down the space for the other in the real. Th e immigrant as fellow citizen is not the real other. The xenophobic conservative, on the other hand, constructs a fantasy that envisions the illegal immigrant awash in a linguistic and cultural enjoyment that excludes natives. This fantasy, paradoxically, permits an encounter with the real other that liberal tolerance forecloses. Of course, xenophobes retreat from this encounter and from their own enjoyment, but they do have an experience of it that liberals do not. The tolerant liberal is open to the other but eliminates the otherness, while the xenophobic conservative is closed to the other but allows for the otherness. The ethical position thus involves sustaining the liberal’s tolerance within the conservative’s encounter with the real other.

## Case

### Solvency

#### [1] 1AC’s that don’t specify the enforcement of the plan should lose – I lost access to circumvention, specfici Das like Das tailored to TRIPs or Evergreening, process counterplans etc. 1AR and CX are too late because it already killed 1NC strat construction

#### [2] They can’t solve – they’ve just said IP is colonialst but their advocacy text does nothing about it – they don’t reduce anything I’ll read it back –

I affirm that intellectual property protections are colonialist and allow for western nations to maintain monopolies on life-saving medicines.

#### If they use a different advocacy text that’s a voter for shifting into a new one because the other one didn’t have “I affirm” – its also probably one of the only instances where debate is irresolvable because the judge literally doesn’t know what the aff does

#### That doesn’t do anything which means presumption – presumption negates because they have to prove a proactive obligation to do something, also infinite advocacies they could’ve read since they aren’t the resolution which means they should be able to prove it true

#### This means they can’t weigh any of case because they don’t have any scope of solvency

#### [3] New 2NR responses to prefiat offense shifts – I don’t know the implication of these arguments until they are conceded either way err on the side of more argumentation

### Presumption

#### Vote neg on presumption

#### 1. Academia DA – The 1AC argues that material institutions create social realities that replicate violence but in-round discourse does nothing to alter these conditions – articles have already been published – no benefit to reading it in debate

#### 2. Spillover – They’re missing a robust internal link as to a) Why they need the ballot or b) Why the reading of the aff forwards change inside or outside of round.

#### 3. Vote neg while endorsing the scholarship of the 1ac – solves comparatively better since other people will explain why they lost and they spread the message of the aff

#### 4. Alterity – Debate doesn’t alter subjectivity – if we lose we’ll internalize the judge’s decision as a technical mistake

### Case

#### [1] IP is good anything else greenlights counterfeit medicine – independently turns Case.

Conrad 5-18 John Conrad 5-18-2021 "Waiving intellectual property rights is not in the best interests of patients" <https://archive.is/vsNXv#selection-5353.0-5364.0> (president and CEO of the Illinois Biotechnology Innovation Organization in Chicago.)//Elmer

The Biden's administration's support for India and South Africa's proposal before the World Trade Organization to temporarily waive anti-COVID vaccine patents to boost its supply will fuel the **development of counterfeit vaccines and weaken the already strained global supply chain**. The proposal will not increase the effective number of COVID-19 vaccines in India and other countries. The manufacturing standards to produce COVID-19 vaccines are **exceptionally complicated**; it is unlike any other manufacturing process. To ensure patient safety and efficacy, only manufacturers with the **proper facilities and training should produce the vaccine, and they are**. Allowing a temporary waiver that permits compulsory licensing to allow a manufacturer to export counterfeit vaccines will **cause confusion and endanger public health**. For example, between 60,000 and 80,000 children in Niger with fatal falciparum malaria were treated with a counterfeit vaccine containing incorrect active pharmaceutical ingredients, resulting in more than **100 fatal infections.** Beyond the patients impacted, counterfeit drugs erode public confidence in health care systems and the pharmaceutical industry. Vaccine hesitancy is a rampant threat that feeds off of the distribution of misinformation. Allowing the production of vaccines from improper manufacturing facilities further opens the door for antivaccine hacks to stoke the fear fueling **vaccine hesitance**.

#### [2] Donations solve—pharma companies donate a lot of drugs every year to fight NTDs

USAID (<https://www.neglecteddiseases.gov/about/drug-donation-partnerships/>) Ngong

The vast reach of USAID’s NTD Program and the NTD treatments delivered have been made possible due to generous commitments from the pharmaceutical sector. Six of the drugs needed to eliminate and control NTDs are donated by the pharmaceutical companies Eisai, GlaxoSmithKline, Merck & Co., Merck KGaA, Johnson & Johnson and Pfizer. The USAID NTD Program works with countries to forecast and efficiently distribute these donated drugs to target audiences.

#### Organizations like Doctors Without Borders definitely prove that the SQUO is fine and progress within it is possible

#### [3] IPR hasn’t harmed access – manufacturing capacity alt cause

Mercurio 2/12 (Bryan Mercurio, [Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law.], 2-12-2021, “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review“, No Publication, accessed: 8-8-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3789820) ajs

2. Intellectual property rights have not hampered access to COVID-19 vaccines A WTO waiver is an extreme measure which should only be used when existing WTO obligations prove inadequate. This was the case in relation to the compulsory licencing provisions under Article 31 of the TRIPS Agreement, which essentially precluded Members with no or inadequate manufacturing capabilities from making use of the flexibility granted in the TRIPS Agreement. 25 This was also the case with the Kimberley Process, which attempts to eliminate trade in “conflict diamonds”. 26 Although the IP waiver proposal states that “there are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients”, 27 the sponsors did not provide further elaboration or evidence to support their declaration that “many countries especially developing countries may face institutional and legal difficulties when using flexibilities available [under the TRIPS Agreement]”. 28 Instead, many of the examples used by India and South Africa point to problems not with the TRIPS Agreement but rather to failures at the domestic level. As mentioned above, the WTO allowed for the importation of medicines under a compulsory licence in 2003, and yet many developing countries have yet to put in place any framework to allow their country to make use of the flexibility. 29 This is not an institutional problem of the international system but rather a problem at the country level. Two additional factors which make the proposed waiver unnecessary and potentially harmful. First, pharmaceutical companies are selling the vaccine at extremely reasonable rates and several announced plans for extensive not-for-profit sales.30 Although agreements between the pharmaceutical companies and governments are not publicly disclosed, the Belgian Secretary of State Eva De Bleeker temporarily made publicly available in a tweet the prices the EU is being charged by each manufacturer. The De Bleeker tweet indicated the European Commission negotiated price arrangements with six companies, with the range of spending between €1.78 and €18 per coronavirus vaccine dosage. Specific price per dose listed for each of the six vaccines was as follows: Oxford/AstraZeneca: (€1.78), Johnson & Johnson (€8.50), Sanofi/GSK (€7.56), CureVac (€10), BioNTech/Pfizer (€12) and Moderna (€18).31 While much as been made of the fact that South Africa agreed to purchase 1.5 million doses of the Oxford/AstraZeneca from the Serum Institute of India (SII) at a cost of €4.321 per dose,32 these criticisms are directed at the lack of transparency in pharmaceutical licenses and production contracts – an issue which would be wholly unaddressed by a waiver of IPRs. Moreover, while the disparity in pricing is concerning the overall per dosage rate South Africa is paying nevertheless represents value for money given the expected health and economic returns on investment. Despite the disparity in pricing between nations, the larger point remains that the industry has not only rapidly produced vaccines for the novel coronavirus but is making them available at unquestionably reasonable prices. Second, the proposed waiver will do nothing to address the problem of lack of capacity or the transfer of technology and goodwill . Pharmaceutical companies have not applied for patents in the majority of developing countries – in such countries, any manufacturer is free to produce and market the vaccine inside the territory of that country or to export the vaccine to other countries where patents have not been filed.33 Patents cannot be the problem in the countries where no patent applications have been filed, but the lack of production in such countries points to the real problem – these countries lack manufacturing capacity and capability. While advanced pharmaceutical companies will have the technology, know-how and readiness to manufacture, store and transport complex vaccine formulations, such factories and logistics exist in only a handful of countries.34 Regardless of whether an IP waiver is granted, the remaining countries will be left without enhanced vaccine access and still reliant on imported supplies. With prices for the vaccine already very low, it is doubtful that generic suppliers will be able to provide the vaccine at significantly lower prices. Under such a scenario, the benefit of the waiver would go not to the countries in need but to the generic supplier who would not need to pay the licence fee or royalty to the innovator. Thus, the waiver would simply serve to benefit advanced generic manufacturers, most of which are located in a handful of countries, including China and Brazil as well as (unsurprisingly) India and South Africa. Countries would perhaps be better off obtaining the vaccine from suppliers that have negotiated a voluntary licence from the patent holder, as such licences include provisions for the transfer of technology, know-how and ongoing quality assurance support.

#### [4] Tech transfer is a huge alt cause—they don’t have reverse causal evidence that the plan will force or even incentivize companies to release IP

Kay et. al. 5/13 [Tamara Kay is a sociologist studying trade, global health and globalization at the Keough School of Global Affairs, University of Notre Dame. Adnan Naseemullah is an international relations scholar at King's College London. Susan Ostermann is a political scientist at the Keough School of Global Affairs, Notre Dame and a former attorney at O'Melveny & Myers LLP, specializing in intellectual property law.) “Waiving patents isn't enough — we need technology transfer to defeat COVID” The Hil, Opinion Contributors: Healthcare, 5/13/21, 2:01 PM EDT, <https://thehill.com/opinion/healthcare/553368-waiving-patents-isnt-enough-we-need-technology-transfer-to-defeat-covid?rl=1>] RM

On May 5, U.S. Trade Representative Katherine Tai announced that the Biden administration would support a waiver of intellectual property (IP) restrictions for coronavirus vaccines to enable low-income countries to vaccinate their populations. While such a waiver is necessary to stem the global COVID-19 pandemic, it is not sufficient. What is missing from discussions of intellectual property is that **few of the countries with the potential to produce sophisticated pharmaceutical products currently have the technological capacity to manufacture mRNA and adenovirus vaccines to global standards.** This is because of the highly concentrated nature of the global pharmaceutical industry, which has impeded the transfer of production technology beyond a handful of countries. Even after U.S. support of the IP waiver, significant obstacles to increased vaccine production and distribution remain. Primary among them is continuing resistance by profit-concerned pharmaceutical companies to sharing their technological expertise more broadly with capable partners, and the governments in high-income countries that support these strategies. Corporations argue that, particularly for the mRNA vaccines, **wider distribution and production are prohibitively difficult due to the complex and relatively new technology involved.** There is some truth in this. The genetic sequence of the virus is already publicly available. The safe transfer of this sequence to human bodies, via mRNA or an inactivated adenovirus, by contrast, is a complicated and sophisticated operation. Pharmaceutical companies argue this process needs to be kept in capable hands. They argue that they are the only ones with this capacity, and have received and continue to receive tremendous public funding as a result. None are offering up their expertise and, in particular, technology that they deem trade secrets, for wider public use, which would dramatically widen production and distribution capability beyond wealthy countries. However, in light of the significant public funding already invested, the windfall profits already achieved and the significant public interest at stake, we can and should do more than support an intellectual property waiver to enable capacity building for pharmaceutical manufacturing and distribution in low-income countries. Vaccine producers are essentially realizing their profits as government contractors, and it is in the interest of the U.S. government for the pandemic to end globally, not just in the U.S. This will occur only if low-income countries can make and distribute vaccines. We already see some examples of production beyond the West. The Serum Institute of India already produces a large proportion of the AstraZeneca vaccine bound for Europe. There is no reason why it and other Indian manufacturers, and those in other countries with emerging scientific and technological capacity, could not produce much more for the developing world over the next year. This was envisioned by the WHO’s C-TAP program. But Pfizer and Moderna, with the backing of the Trump administration, opposed this program. Yet given the global threat — a threat which will not truly diminish locally until it diminishes globally — we should create incentives for them to lend their expertise and support to manufacturing partners of their own choosing in low-income countries to radically expand production capacity.